



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

April 28, 2016

Mr. Issac Gaston
Site Selection Specialist
Federal Bureau of Prisons
320 First Street NW
Washington, D.C. 20534

Re: Proposed United States Penitentiary and
Federal Prison Camp, Letcher County, Kentucky
Revised Final Environmental Impact Statement (RFEIS)
CEQ No.: 20160066

Dear Mr. Gaston:

Consistent with our responsibilities under Section 309 of the Clean Air Act and Section (102)(2)(C) of the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) Region 4 has reviewed the above referenced RFEIS for the proposed United States Penitentiary and Federal Prison Camp in Letcher County, Kentucky. The U.S. Department of Justice, Federal Bureau of Prisons (BOP) has prepared this REIS for the proposed construction and operation of a Federal correctional facility in Letcher County, Kentucky. The Bureau published the *Final Environmental Impact Statement for Proposed United States Penitentiary and Federal Prison Camp, Letcher County, Kentucky* on July 31, 2015. In consideration of comments received following publication of the Final EIS (FEIS) and to correct inconsistencies in the FEIS, the BOP concluded that the FEIS would be withdrawn and a RFEIS would be issued. A RFEIS would enable the BOP to provide more complete discussion of some topics addressed in the FEIS, and provide more complete responses to comments received on the Draft EIS (DEIS) than were provided in the FEIS. Also as a result of comments received following release of the FEIS, the BOP concluded that written notice of availability of the FEIS had not been directly provided to at least 22 parties who had requested it. Therefore, those parties received less than the intended, full 30-day review period in which to submit comments on the FEIS. By publishing this RFEIS and by providing a 30-day review period, the public, including any parties who may not have received timely notice of the Final EIS publication, are being afforded a new 30-day review period within which to submit comments on the RFEIS. The BOP has indicated that comments will be considered prior to and in connection with issuance of a Record of Decision (ROD) for the proposed action.

This RFEIS makes no change to the proposed action. As did the withdrawn FEIS, the RFEIS evaluates potential environmental effects that may result from the proposed construction and operation of a United States Penitentiary and Federal Prison Camp at two alternative sites (Payne Gap and Roxana and the Roxana site: which has been determined to be the preferred alternative) in Letcher County, Kentucky, as well as the No Action Alternative.

This RFEIS has been prepared in accordance with NEPA and the Council on Environmental Quality's regulations implementing NEPA at 40 Code of Federal Regulations Parts 1500-1508, and the U.S. Department of Justice procedures for implementing NEPA at 28 CFR Part 61.

The RFEIS identified and evaluated potential environmental impacts of the proposed action alternatives and the No Action Alternative to: land use and zoning; topography, geology, and soils; socioeconomics and environmental justice; community facilities and services (fire, police, and emergency services, health care facilities, and schools); transportation and traffic; air quality; noise; infrastructure and utilities; cultural resources; water resources (surface water, wetlands, groundwater, and floodplains); biological resources (vegetation, wildlife, and threatened and endangered species); and hazardous materials and waste. Also discussed, as appropriate, is mitigation for the identified environmental impacts. In addition, this RFEIS identified which of the proposed action alternatives would result in the least amount of impacts to the environment.

Appendix H of the RFEIS shows the results of the Phase II Environmental Site Assessment and it indicates that soils on the subject property have been adversely impacted by petroleum at three locations. Therefore, the contaminated soils may be disposed of by the BOP at a soil recycling facility or a permitted landfill that can accept petroleum contaminated soil prior to construction.

The EPA comment letter dated August 25, 2015, in reference to the FEIS, still applies to this RFEIS. The EPA requests that the BOP continue to consider past technical comments and recommendations as the proposed project proceeds through the NEPA process. Thank you for the opportunity to comment on this proposed project. Please send us a copy of the ROD when it becomes available. If you have any questions, please contact Mr. Rafael Santamaria of my staff at 404-562-8376 or at santamaria.rafael@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Militscher', with a long horizontal flourish extending to the right.

Christopher A. Militscher, Chief
NEPA Program Office
Resource Conservation and Restoration Division